IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 420 OF 2006
IN
Summons for Judgment No. 446 of 2004
IN
SUMMARY SUIT NO. 3114 OF 1997

Mr.Vinod M.Kamdar & Ors. .. Appellants.

V/s.

Mrs. Eena S. Teckchandani .. Respondent.

Mr.M.V.Holamagi i/by H.R.Shetty for the Appellants.

Mr.T.N.Tripathi i/by Mr.T.N.Tripathi & Co. for the Respondent.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd SEPTEMBER, 2006.

P.C.:

. The counsel for the Appellants prays for withdrawal of this Appeal with liberty to the Appellants to make an application for setting aside the ex-parte decree under Order 37 Rule 4 of the Code of Civil Procedure.

2. If the Appellants feel that they can make out a case for setting aside the decree under Order 37 Rule 4 of C.P.C., it is always open to them to do so, for which no liberty is required from us.

3. Since the Appellants seek to withdraw the Appeal, we grant the prayer and allow the Appeal to be withdrawn.

4. Order accordingly.

(R.M.LODHA,J)

(S.A.BOBDE,J)

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